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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,207	08/21/2003	Stephen P. Shoemaker JR.	SHOES.65171	7231
27629	7590	07/25/2006		
FULWIDER PATTON LEE & UTECHT, LLP 200 OCEANGATE, SUITE 1550 LONG BEACH, CA 90802			EXAMINER CROSS, ALAN	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/645,207

Applicant(s)

SHOEMAKER, STEPHEN P.

Examiner

Alan Cross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5,12,15,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoemaker, Jr. (US Patent #5855374).

Regarding claim 1: Shoemaker discloses a crane game comprising: a crane maneuverable by a player within a target bin and including acquisition means for capturing a target therein; a plurality of targets disposed within the target bin (col. 2, 36-44) each said target having a value associated therewith; and a ticket dispensing mechanism for dispensing redeemable tickets for a captured target, wherein the tickets are dispensed in relation to the value associated with the captured target (col. 4, 37-44).

Regarding claim 2: Shoemaker discloses the crane game of claim 1 wherein the targets disposed in the target bin have a circular profile (fig. 2, #50), (col. 5, 46-53).

Regarding claim 5: Shoemaker discloses the crane game of claim 2 wherein a diameter of each target varies according to the value associated with the target (col. 4, 40-43).

Regarding claim 12: Shoemaker discloses the crane game of claim 1 wherein the acquisition means comprises a vacuum for capturing targets (col. 2, 36-40).

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Regarding claim 15: Shoemaker discloses the crane game of claim 1 wherein the plurality of targets are located on a rotating playing field within the target bin (col. 2, 40-44)

Regarding claim 16: Shoemaker discloses the crane game of claim 15 wherein the crane translates diametrically across the rotating playing field (col. 9, 23-25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3,4,6-10, rejected under 35 U.S.C. 103(a) as being unpatentable over Shoemaker (US Patent # 5855374) in view of Allison (US Pub #2003/0100255) further in view of Kelly et al. (US Patent #5704312).

Regarding claim 3,4: Shoemaker teaches the crane game of claim 2, where it would be a matter of obvious design choice for the targets to be spherical and or

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cylindrical. It is well known that in crane skill games that prize objects are of many different shapes, and spherical and cylindrical coverings are used to enclose objects that would not be easily picked up by vacuum or grappling means.

Regarding claim 6: Shoemaker teaches the crane game of claim 5, except further comprising a variable width inclined slot for establishing the diameter of the target, the variable width inclined slot comprising a plurality of stations longitudinally disposed along the slot and each station associated with a portion of the slot having a constant width, and wherein a width of the slot at each station increases as an elevation of the inclined slot decreases such that a target moving down the inclined slot will fall through the slot when the width of the slot exceeds the diameter of the target. Allison teaches a variable width inclined slot for establishing the diameter of the target, the variable width inclined slot comprising a plurality of stations longitudinally disposed along the slot and each station associated with a portion of the slot having a constant width, and wherein a width of the slot at each station increases as an elevation of the inclined slot decreases such that a target moving down the inclined slot will fall through the slot when the width of the slot exceeds the diameter of the target (fig. 3),(pg. 2, parg. 0025). It would have been obvious to one of ordinary skill in the art to modify Shoemaker to use the variable width inclined slot of Allison to establish the diameter of the target. This would allow the game machine to easily separate the different sized objects allowing for sensors to detect the objects that had been picked up.

Regarding claim 7: The combination of Shoemaker and Allison teaches the crane game of claim 6, except further comprising a detector adjacent the stations for detecting

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the presence of a target falling through the inclined slot. Kelly teaches a detector adjacent the stations for detecting the presence of a target falling through the inclined slot (col. 2, 5-15), the detectors in Kelly sense the color of the object but capable that it would detect the object falling though. With the teaching of Allison using a variable width inclined slot to separate the different sized objects, sensors from Kelly are fully capable of detecting a object falling though each stage. It would have been obvious to one of ordinary skill in the art to modify the invention of Shoemaker and Allison to use the sensing means of Kelly to detect objects of different diameters. This would allow for easy counting of what was picked up by the crane.

Regarding claim 8: The combination of Shoemaker and Allison teaches the crane game of claim 7, except wherein the detector is an optical detector. Kelly teaches the use of a optical detector (col. 2, 52-57). It would have been obvious to one of ordinary skill in the art to modify the invention of Shoemaker and Allison to use the optical detector to detect the objects picked up in the crane game. This would be a simple method of detecting the object and also its color, which would add excitement to game play.

Regarding claim 9: The combination of Shoemaker and Allison teaches The crane game of claim 7 wherein the ticket dispenser is connected to the detector such that tickets are dispensed from the ticket dispenser when the detector perceives the presence of a target falling through the inclined slot (Shoemaker, col. 4, 37-44).

Regarding claim 10: Shoemaker teaches the crane game of claim 6 wherein a capture target is automatically delivered to the inclined slot for determining its diameter (col. 5, 1-14).

Regarding claim 13: Shoemaker teaches the crane game of claim 1, where it would be a matter of obvious design choice to use a magnet for capturing targets. It is well known to use an electromagnet for a crane device to pick up magnetic objects.

Regarding claim 14: Shoemaker teaches the crane game of claim 1 except wherein the acquisition means comprises a mechanical claw for capturing targets. It would be a matter of obvious design choice to use a claw to pick up objects. It has been well known in the art to use a claw for the acquisition means for a crane. In reference Subben a claw is used for a crane game.

Claims 17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoemaker in view of Hagiwara (US Patent #5713572).

Regarding claim 17: Shoemaker teaches a crane game comprising: a crane maneuverable by a player within a target bin and including acquisition means for capturing a target therein (col. 2, 36-44): a plurality of disk-shaped targets disposed within the target bin (col. 5, line 46-53), a ticket dispensing mechanism dispensing redeemable tickets for a captured target that is bumped over the ledge by the reciprocating pusher (col. 4, 37-44). Shoemaker lacks a ledge upon which captured targets are moved and a reciprocating pusher on the ledge for bumping targets over the ledge. Shoemaker does teach a area where prizes are dropped on to a conveyor

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belt that directs them to a ledge to where a ticket dispensing mechanism then dispenses tickets per the picked up objects (col. 5, lines 1-14). Hagiwara teaches a ledge where captured targets are moved (fig. 4A, #2) and a reciprocating pusher on the ledge for bumping targets over the ledge (fig. 4B, #8), this accomplishes the same task as the conveyor belt. It would have been obvious to one of ordinary skill in the art to modify Shoemaker to use the reciprocating pusher of Hagiwara to add excitement and another element of the game to where prizes that didn't get pushed all the way could accumulate and the user that added a object than knocked them all over the ledge would then get a larger prize.

Regarding claim 18: Shoemaker teaches the crane game of claim 17 wherein the targets each have a value associated therewith, and the ticket dispensing mechanism dispenses tickets in relation to the value of the targets bumped over the ledge by the reciprocating pusher (col. 4, 36-44).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Subben (US Patent # 6283475) discloses a crane game using a claw to pick up objects

Fisher et al. (US Patent # 6899337) discloses a crane game using a claw.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC 571-272-5529

  
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**SUPERVISORY PATENT EXAMINER**  
TC3700